

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5932 OF 2006.

Pramod Keshav Kulkarni ... Petitioner.

V/s.

Nanaji Navanath Nalawade ... Respondent.

Shri G.S. Godbole for the petitioner.
Ms. Geeta G. Mulekar for the respondent.

CORAM: V.C.DAGA, J.

DATED: 29.1.2007.

P.C.:

. Herad learned Counsel for the petitioner.
Perused petition.

2. No case is made out to interfere with the impugned order dated 19.1.2006 passed by the Civil Judge, JD., Solapur. Petition is, thus, liable to be rejected.

3. It is, however, made clear that it would be open for the parties to the suit to move proper application for appointment of the Court Commissioner after recording the evidence of the parties to remove any ambiguity, if found in the evidence so as to enable the trial court to

properly appreciate evidence on record. It would be open for the trial Court to pass appropriate order on merits on the application seeking appointment of Commissioner as may be necessary. Needless to mention that in the event of appointment of the Commissioner, and after receipt of his report on record, it would be open for the parties to cross-examine the said Court Commissioner in support of their respective contentions.

4. In the result, petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)